

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:07-CR-00086-04-JMM**

**MICHAEL DARNELL COOPER**

**ORDER**

Pending is Defendant's *pro se* Motion to Appoint Counsel and to Reduce Sentence (Doc. No. 888), based on the retroactive application of the United States Sentencing Guidelines crack cocaine penalty reduction.

Only those persons currently serving a sentence determined or affected by a sentencing range calculated using the drug quantity table, U.S.S.G. § 2D1.1, are potentially eligible for a reduction. On June 22, 2009, Defendant was sentenced to 240 months in prison.<sup>1</sup> However, his base offense level and sentence were not determined based on the drug quantity table, but rather on his status as a "career offender" under U.S.S.G. § 4B1.1.<sup>2</sup> Therefore, the amended crack cocaine sentencing guidelines do not apply.

Accordingly, Defendant's Motion to Appoint Counsel and to Reduce Sentence (Doc. No. 888) is DENIED.

IT IS SO ORDERED this 15<sup>th</sup> day of November, 2011.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. Nos. 707, 711.

<sup>2</sup>See the United States Sentencing Commission's "Reader-Friendly" Version of the Final 2011 Guideline Amendment Implementing the Fair Sentencing Act, *available at* [http://www.ussc.gov/Meetings\\_and\\_Rulemaking/Materials\\_on\\_Federal\\_Cocaine\\_Offenses/20110428\\_RF\\_Amendments\\_Pages.pdf](http://www.ussc.gov/Meetings_and_Rulemaking/Materials_on_Federal_Cocaine_Offenses/20110428_RF_Amendments_Pages.pdf)